

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

XIAO DAN KOSHAR,

Plaintiff,

v.

TIGI LINEA CORP.,

Defendant.

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CASE NO. 4:21-CV-280

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, *et seq.*, Defendant TIGI Linea Corp. (“Defendant”) files this Notice of Removal of this action from State Court to this Court and respectfully states as follows:

A. INTRODUCTION

1. On August 8, 2017, Plaintiff Xiao Dan Koshar (“Plaintiff”), commenced a civil action in the District Court of Denton County, Texas (“the State Court”), bearing the style, *Xiao Dan Koshar v. TIGI Linea Corp.*, Cause No. 17-6809-442 (“the Civil Action”). The Civil Action is still pending in the State Court.

2. The State Court is located at 1450 E. McKinney Street, 1st Floor, Denton, Texas 76209. The State Court’s mailing address is P.O. Box 2146, Denton, Texas 76202.

3. Defendant was served with a copy of the Citation and Petition in the Civil Action on March 8, 2021, copies of which are attached as **Exhibit A**. On March 29, 2021, Defendant filed an Original Answer and Special Exceptions to Plaintiff’s Original Petition in the Civil Action, a

copy of which is attached as **Exhibit B**. The attached exhibits constitute all process, pleadings, and orders served upon Defendant in the Civil Action to date. Accordingly, copies of all pleadings, process, orders, and other filings in the state-court suit are attached to this notice as required by 28 U.S.C. § 1446(a).

4. Defendant has attached as **Exhibit C** a certified copy of the docket sheet from the Civil Action.

5. Defendant now files this notice of removal within the 30-day time period required by 28 U.S.C. § 1446(b)(1). *Bd. of Regents of Univ. of Tex. Sys. v. Nippon Tel. & Tel. Corp.*, 478 F.3d 274, 278 (5th Cir. 2007).

B. BASIS FOR REMOVAL

6. Removal is proper in this case because the Civil Action is one of which this Court has federal question jurisdiction over Plaintiffs' federal claim pursuant to 28 U.S.C. § 1331 and removal jurisdiction pursuant to 28 U.S.C. § 1441(a) in that:

- a. The Petition asserts a claim to recover damages for a violation of the Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. § 2000e *et seq.* ("Title VII").
- b. Additionally, the Petition seeks recovery of punitive damages under 42 U.S.C. § 1981a ("§ 1981a").
- c. Pursuant to 28 U.S.C. § 1331, this Court has original jurisdiction over all actions arising under the laws of the United States. As Plaintiff has alleged violations of federal law, this case presents federal questions, and the Court has original jurisdiction over Plaintiff's federal claims.

7. Additionally, this Court has supplemental jurisdiction over Plaintiffs' state claims in the Civil Action of alleged discrimination and retaliation under the Texas Commission on Human Rights Act, Tex. Lab. Code § 21.001 *et seq.* ("State Law Claims") under its supplemental jurisdiction pursuant to 28 U.S.C. §1367 because Plaintiffs' State Law Claims are so related to Plaintiffs' federal Title VII claim that they form part of the same case or controversy. *See Exxon Mobil Corp. v. Allapattah Servs., Inc.*, 545 U.S. 546, 546 (2005) ("once a court has original jurisdiction over some claims in an action, it may exercise supplemental jurisdiction over additional claims arising from the same case or controversy.") Additionally, Plaintiffs' State Law Claims do not raise a novel or complex issue of State law and do not substantially predominate over the federal Title VII claim.

8. The judicial district and division of this Court encompasses Denton County, Texas, the place where the Civil Action is pending.

9. Defendant will give written notice to Plaintiff and will file a Notice of Filing of Notice of Removal with the Clerk of the District Court of Denton County, Texas. Defendant attaches a copy of the Notice of Filing of Notice of Removal as **Exhibit D**.

C. JURY DEMAND

10. Plaintiff did demand a jury in the state-court suit.

D. CONCLUSION

11. Based on the foregoing, Defendant prays that the Civil Action now pending against it in the District Court of Denton County, Texas be removed therefrom to this Court.

Dated: April 7, 2021

Respectfully submitted,

By: /s/ Samuel Garcia
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Attorneys for Defendant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served via first class United States mail, postage prepaid, to the following on this the 7th day of April 2021:

Xiao “Dan” Koshar
P.O. Box 8143
Tumacacori, Arizona 85640

/s/ Samuel Garcia
Samuel Garcia